An Bord Pleanála

Inspector's Report

ABP-311460-21

Development	10 year permission and 35 year operation for a solar farm on two sites comprising; solar photovoltaic panels inverter/transformer stations, boundary security fencing, internal access tracks, and associated site works. A Natura Impact Statement (NIS) is also submitted.
Location	Milltown & Moyagher Lower, Cortown, Kells, Co Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21/396
Applicant(s)	Harmony Solar Meath Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	1. First Party v Condition No. 10(i) 2. Third Parties v Grant of Permission
Appellant(s)	1. Harmony Solar Meath Ltd. (Applicant)

	2. Edward Casserly (Appellant) 3. Hendrick W van der Kamp on behalf of local residents (Appellant) 4. Pat Lynch (Appellant)
Observer(s)	1. Val Martin 2. James Butler & Others
Date of Site Inspection	17.01.2022
Inspector	Anthony Kelly

1.0 Site Location and Description

1.1. The overall site comprises two separate parcels, the North Parcel and the South Parcel. They are located in a rural area of Co. Meath, south of Kells and north west of Navan. The two parcels have a combined area of approx. 121.5 hectares. They are approx. 1.8km apart at their closest points.

1.2. The North Parcel, located in the townland of Milltown, has an area of approx. 41.2 hectares. It is approx. 1.6km south of the zoned urban area of Kells at the closest point. The North Parcel comprises a number of agricultural fields with tree and hedge lined field boundaries. The Arvagh–Navan 110kV ESB line traverses the site. The Toberultan Stream runs along the north western boundary. All fields were grassed except the most north westerly field which is defined as 'arable crops' (wheat) in the applicant's Ecological Impact Statement. There is an existing agricultural gate at the proposed vehicular access point.

1.3. The South Parcel, located in the townland of Moyagher Lower, has an area of approx. 80.3 hectares. It is approx. 4.6km south of the zoned urban area of Kells at the closest point. The South Parcel comprises a number of agricultural fields with tree and hedge lined field boundaries. Sheep and livestock were present. The South Parcel is adjacent to the public road along its southern and south western boundaries. There are a number of houses on the opposite side of the road, and one house/property which is on the site side of the road and enclosed by the site on three sides.

2.0 Proposed Development

2.1. Permission is sought for a solar farm on two separate land parcels comprising:

- up to 734,000sqm of solar photovoltaic panels on ground mounted steel frames,
- inverter/transformer stations,
- underground power and communication cables and ducts,
- security fencing, internal access tracks, drainage infrastructure, one new site entrance to each site, a temporary vehicle passing area on land adjoining the

public road to assist traffic movements during construction, CCTV cameras, and all associated site services and works,

- a control building and associated compound within the South Parcel.

2.2. Permission is sought for a period of 10 years and a 35 year operational life.

2.3. Up to 81 no. inverter/transformer units are proposed on up to 34 no. hardstanding areas. Each has a floor area of 48.75sqm and a height of 2.65 metres. They are prefabricated 'shipping container' units constructed of glass reinforced plastic, dark green in colour. The proposed control building has a floor area of 50sqm and a height of 3.56 metres. Approx. 2.65km of internal tracks are proposed in the North Parcel, and approx. 3.3km are proposed in the South Parcel. A 2 metres high deer-proof perimeter security fence of timber post and wire construction, with mammal access gaps at 50-100 metre intervals, and approx. 6.975km in total length, is also proposed. Solar panels will typically be arranged in module units made up of four panels on a metal frame mounted structure, up to 3.2 metres in height, and connected to inverters and transformer modules. Arrays will be grounded by either steel pile fixings, earth screw fixings, or as necessary concrete shoes. Panels will be orientated south and typically tilted at a 15 degree angle from the ground. Arrays are fixed and have no moving parts. All cabling will be underground. Array rows will typically be separated by a minimum 1.5 metres.

2.4. Two separate site layout plans have been submitted. The applicant states that, due to technological advances, fewer inverter/transformer (and hardstanding) areas may be required which would reduce the required road lengths. The 734,000sqm solar photovoltaic panel figure is based on the site layout plan which sets out the minimum number of hardstanding areas i.e. the alternative site layout showing 21 no. hardstanding areas, whereas the noise assessment and traffic calculations are based on the maximum number of hardstanding areas i.e. the site layout plan which sets out 34 no. hardstanding areas. (In the event of a grant of permission I consider it appropriate that the planning authority be notified of the specific layout plan to be implemented on site).

2.5. As part of a separate Strategic Infrastructure Development (SID), a planning application for a 110kV electrical substation with electrical control building, associated compound and two no. overhead line masts within the North Parcel will be submitted

to An Bord Pleanála (this is ABP Reg. Ref. ABP-310029-21). It is anticipated the two land parcels will be connected via an approx. 3km long underground internal network 38kV cable, following the public road, which will be sought as part of a separate planning process. All three separate elements comprise the overall project.

2.6. In addition to standard planning application plans and particulars the application was accompanied by:

- a 'Planning and Environmental Report' prepared by Fehily Timoney and Company (Fehily Timoney) dated February 2021. This is submitted in two volumes: Volume 1 (Main Report), and Volume 2 (Appendices),
- a 'Natura Impact Statement' (NIS) document prepared by Greenleaf Ecology dated 23rd February 2021, and,
- a 'Construction and Environmental Management Plan' (CEMP) prepared by Fehily Timoney dated February 2021.

2.7. A further information request was issued by the planning authority on 26th April 2021. A response to same was received on 30th June 2021. The response included the following:

- a 'Further Information Response to Meath County Council' document prepared by Fehily Timoney and dated June 2021,
- a 'Flood Risk Assessment' prepared by JBA Consulting and dated June 2021,
- a 'Lighting Impact Assessment Report' prepared by Lawler Consulting and dated 16th June 2021,
- a 'Glint and Glare Assessment' prepared by Macroworks and dated March 2021 (the planning authority stated that the appendices had been omitted in the original planning application submission),
- an inability to be precise on the anticipated maximum output capacity for stated reasons,
- a response to the submissions received from the Geological Survey of Ireland (GSI) and National Monuments Service (NMS), including a memo prepared by John Cronin & Associates dated 17th June 2021 in relation to the NMS submission, and,

- responses to issues raised in the 11 no. third party observations received.

2.8. The planning authority considered the further information response contained significant further information and revised public notices were received by the authority on 12th July 2021.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was granted by Meath Co. Co. subject to 23 no. conditions. These conditions relate to, inter alia, a ten year permission, confirmation of the output capacity, sightlines, submission of a Construction Stage Traffic Management Plan, pre- and post-construction surveys of local roads and a cash deposit of €100,000 to secure satisfactory completion of any repairs to the roads, implementation of identified mitigation measures, completion of a post-construction glint and glare survey, details for pull in passing bays on the L-6835 public road, flood risk, submission of a CEMP and a Waste Management Plan, construction practices, surface water, best ecological practice, submission of exact detail of transformers/inverters and other structures, decommissioning, detail of CCTV cameras, external structure finishes, archaeological appraisal, lodgement of a cash deposit to secure the satisfactory reinstatement of the site, and a section 48 development contribution.

3.2. Planning Authority Reports

3.2.1. The planning authority decision is based on two Planning Reports. The planning authority's first Planning Report considered, inter alia, the principle of the proposed development, the siting, layout, and design of the proposed development, access and traffic, environment, heritage, flooding, noise, appropriate assessment (AA), and environmental impact assessment (EIA). The Executive Planner concluded that the proposed development was consistent with the policy context and was therefore acceptable in principle. Further information was recommended in relation to flooding, lighting, glint and glare, and clarification of the proposed maximum output capacity of the development for the purpose of calculating development contributions. The

applicant's comments were also sought on issues raised in the submissions from the NMS and GSI, as well as other third-party observations.

3.2.2. The second Planning Report considered the applicant's further information response. The report concludes that, having regard to the suitability of the site from a technical perspective and the nature and scale of the proposed development, subject to conditions, the proposed development would not seriously injure the amenities of the area or lead to a devaluation of adjacent property, would not create a traffic hazard or traffic inconvenience and would be in accordance with the proper planning and sustainable development of the area.

3.2.3. **Other Technical Reports**

Transportation Department – Following the further information response, six conditions should be included in any grant of permission. These relate to sightlines, submission of a Construction Stage Traffic Management Plan, pre- and post-construction surveys of local roads and submission of a cash deposit to secure the satisfactory completion of any repairs to the roads, implementation of identified mitigation measures, post-construction glint and glare survey, and provision of passing bays on the local road L-6835 (which serves the North Parcel).

Environment Department – Following the further information response in relation to flood risk, there is no objection subject to conditions relating to, inter alia, locating all essential infrastructure outside Flood Zones A and B, section 50 consent from the Office of Public Works, if required, no development within 10 metres of the watercourses on site unless otherwise agreed, fencing and gates, freeboard requirement, and ground levels of access tracks.

The first planning authority Planning Report states the Environment Section recommends conditions. This particular report does not appear to have been submitted to the Board or uploaded on the planning authority's website.

Public Lighting (Transportation) – Following the further information response the submission on lighting is satisfactory.

Water Services Section – Should permission be granted two issues shall be addressed to the satisfaction of the planning authority prior to commencement; ditches

shall remain open except for crossing points and all works shall comply with the Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2.

Fire Service Department – A Fire Safety Cert. application is required for each individual building.

3.3. Prescribed Bodies

Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (National Monuments Service (NMS)) – The NMS considers both site areas to be of high archaeological potential. Earthworks are visible on available Google Earth imagery in the Milltown site, and it is possible that some of these are of archaeological interest. Further description and investigation is required. A LiDAR (light detection and ranging) image in the Moyagher Lower site appears to show earthworks that may be of archaeological interest. An Archaeological Impact Assessment should be prepared.

A second submission relating to archaeology was received on foot of the further information response; however this was received under cover of the Department of Housing, Local Government and Heritage. The submission notes that no geophysical survey or archaeological testing has been carried out and, as such, no significant further information has been supplied that would allow an informed planning decision to be taken with regard to impacts and potential impacts of the proposed development.

Geological Survey Ireland (GSI) (Department of the Environment, Climate and Communications) – There are no County Geological Sites in the vicinity of the proposed development.

A submission was also received on foot of the further information response. This states that GSI has no specific comment or observation to make.

Irish Water – No objection. Observations made.

3.4. Third Party Observations

3.4.1. 11 no. observations were received on foot of the planning application from local residents and one councillor. The issues raised are largely covered by the grounds of appeal and observations on the grounds of appeal with the exception of the following:

- Mental health.

- Potential danger from glint and glare to motorists and vulnerable road users / glint and glare to residential properties / glint and glare impact to pilots using Ballyboy Airfield.
- Volume of construction traffic / construction noise nuisance.
- Length of construction / construction nuisance / no construction hours provided.
- Narrow local roads / local roads are full of potholes (photographs enclosed) / inadequate road infrastructure / durability of bridge on the Rathmore Road / policing of haul routes.
- A Special Development Contribution is requested for the road network.
- One site entrance to the South Parcel is outlined. Query as to whether other existing field access gates will also be used as access points.
- Flood risk / flooding on site / very high water table / concern about pile driving.
- Impact on the Hill Field.
- The summary of the LVIA is inaccurate.
- Concern about possible future expansion of the development.
- Concern about the size and height of the substation / health risks of pylons / lack of clarity around cabling proposals and linkage of site locations / clarity on grid connection.
- Potential intrusion of privacy from CCTV cameras.
- Concern about interference with radio, mobile telephone, broadband, or internet signals.
- Exposure to hazardous toxic chemicals / concern in relation to disposal of solar panels at decommissioning / radiation from inverters / unknown health dangers.
- Fire hazard from lightning strikes etc.
- Effect on dogs / Impact on local wildlife from light pollution and glint and glare / Fencing will restrict the movement of wildlife / swans and other birds will be at risk / impact on livestock / risk when exercising horses on the road.
- Archaeological potential in the area.

- No national guidelines for the construction of solar farms.
- The developer is requested to put in place a community grant scheme.

3.4.2. Revised public notices were published following the further information response. Two additional observations were received. The main issues raised are largely covered by the grounds of appeal, observations on the grounds of appeal, and observations received by the planning authority as outlined in section 3.4.1 of this report.

4.0 Planning History

4.1. There has been no previous planning application made on the site subject of the planning application.

4.2. The planning application form states that a pre-application consultation took place on 20th October 2020. The date given for the meeting in the applicant's response to the third party appeals is 16th October 2020. No reference number was provided.

4.3. A Strategic Infrastructure Development (SID) planning application (ABP-310029-21) was made directly to An Bord Pleanála on 23rd April 2021 in accordance with section 182A of the Planning & Development Act 2000 (as amended). The proposed development comprises:

- 1 no. 110kV electrical substation with associated plant and equipment, control buildings, lightning masts, and security fencing.
- an underground cable linking the substation to two end masts, 16 metres in height, at the existing overhead 110kV transmission line.
- access tracks and new site entrance.
- all associated site works and drainage.

This application is currently under consideration.

5.0 Policy Context

5.1. Climate Action Plan 2021 – Securing Our Future

5.1.1. The Climate Action Plan 2021 provides a detailed plan for taking decisive action to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and setting Ireland on a path to reach net-zero emissions by no later than 2050, as committed to in the Programme for Government and set out in the Climate Act 2021. Among the most important measures in the plan is to increase the proportion of renewable electricity to up to 80% by 2030.

5.2. Project Ireland 2040 National Planning Framework (NPF)

5.2.1. The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It will be focused on delivering 10 National Strategic Outcomes (NSOs). NSO 8 is 'Transition to a Low Carbon and Climate Resilient Society' and it is expanded upon on page 147 of the NPF. There is a national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050. 'This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework. New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand'.

5.2.2. The 'Energy Production' part of section 5.4 (Planning and Investment to Support Rural Job Creation) notes that rural areas will continue to significantly contribute to the energy needs of the country. 'In meeting the challenge of transitioning to a low-carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas'.

5.2.3. National Policy Objective (NPO) 55 states 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'.

5.3. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

5.3.1. There are 16 no. Regional Strategic Outcomes (RSOs). RSO 8 is to build climate resilience. RSO 9 is to support the transition to low carbon and clean energy.

5.3.2. The RSES notes in section 4.8 that 'Energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas'. Regional Policy Objectives (RPOs) 4.79 and 4.84 generally support renewable energy developments in rural areas.

5.3.3. Section 7.9 (Climate Change) is relevant to the proposed development. 'The Strategy supports an increase in the amount of new renewable energy sources in the Region. This includes the use of … solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives outlined in this Strategy'.

5.3.4. Renewable energy is also referenced in section 10.3. RPOs 10.20 and 10.22 are particularly relevant.

5.4. Meath County Development Plan 2021-2027

5.4.1. It is the policy of the Council, as set out in ED POL 19 'To support and facilitate sustainable agriculture … renewable energy and other rural enterprises at suitable locations in the County'.

5.4.2. Chapter 6 (Infrastructure) notes that 'International, EU and National policies all promote a much more energy-efficient society relying on sustainable renewable energy sources. This will ensure that we secure our international competitiveness by increased use of and demand for indigenous resources and increased security of supply. Consequently, policies and objectives promoting energy efficiencies and the development of indigenous resources will be pursued during the lifetime of this Plan.

This Development Plan has an overarching role in progressing a sustainable energy future for the County by recognising the central role of land use planning in promoting a low carbon society and mitigating the impacts of climate change'. Solar energy is specifically referenced in Section 6.15.3.1. Policies in chapter 6 that generally support renewable energy include INF POL 34 and 35 and similar objectives include INF OBJ 39 and 41.

5.4.3. Chapter 10 (Climate Change Strategy) notes that it is essential to move away from using conventional coal and gas-fired power to electricity generated from renewable sources.

5.4.4. It is the policy of the Council, as set out in DM POL 27, 'To encourage renewable development proposals which contribute positively to reducing energy consumption and carbon footprint'. DM OBJ 76 outlines the criteria to be considered in individual energy development proposals e.g. environment, traffic, landscape etc. DM OBJ 77 relates specifically to solar energy and outlines what is required to be submitted with such a planning application e.g. glint and glare assessment, CEMP, ecological assessment, archaeological assessment, traffic assessment etc.

5.5. Natural Heritage Designations

5.5.1. The closest Natura 2000 site is River Boyne and River Blackwater SAC (Site Code 002299) approx. 3.1km north of the North Parcel. The closest heritage area is Jamestown Bog NHA (Site Code 001324) approx. 2km south east of the South Parcel.

5.6. EIA Screening

5.6.1. Schedule 5 of the Planning and Development Regulations 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an Environmental Impact Assessment Report (EIAR). Development of a class included in Part 1 requires mandatory EIA. Development of a class included in Part 2 is subject to thresholds and may require EIA. Solar farms are not listed as a class of development under either Parts 1 or 2 of schedule 5, and therefore, I conclude that a mandatory EIA, and the submission of an EIAR, is not required. There are projects under item 3 of Part 2, 'Energy Projects' which relate to energy production, but I suggest that none of these listed projects would be applicable to a solar farm as currently proposed. The Board

will note that a similar conclusion has been reached in relation to previously decided solar farm developments.

6.0 The Appeal

6.1. Grounds of Appeal

Grounds of appeal were received from both first and third parties.

6.1.1. First Party

The grounds of appeal submitted by Harmony Solar Meath Ltd. is against condition 10(i) of the planning authority decision. This condition is as follows.

10. Flood Risk

(i) Having regard to Meath County Development Plan in which it is a policy to consider the DOEHLG / OPW publication 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities' and with reference to Meath County Council's MapInfo flood mapping for the relevant area and the applicant's own Site Specific Flood Risk Assessment for the proposed development, the site is partially situated in Flood Zone B i.e. it is at medium risk of flooding. Therefore the applicant shall ensure, to the satisfaction of the Planning Authority, that all essential infrastructure including solar panels and inverter/transformer stations and substations are located outside of Flood Zones A and B.

Reason: In the interests of flood risk prevention and the proper planning and sustainable development of the area.

The grounds of appeal request the amendment of subsection (i) to remove the reference to solar panels as essential infrastructure, and that the Board restricts its decision to Condition 10 only.

The appeal focuses on the principle of development in the context of the Planning System and Flood Risk Management Guidelines, and the supporting technical aspect that would define ground mounted solar panels as not being 'vulnerable development'. The main points made can be summarised as follows:

Principle of Development

- The guidelines categorise development as highly vulnerable, less vulnerable, or water compatible. 'Essential infrastructure' is categorised as highly vulnerable with electricity generating power stations and sub-stations falling into this category. Uses not listed are considered on their own merits.
- Table 3.2 of the guidelines directs where such development can be located in the context of flooding. Highly vulnerable development should not be located in Flood Zones A or B unless a justification test can be passed.
- Vulnerability is defined in the guidelines as depending largely on the risks to people who will use the development, effects of damage to structures that might be caused by flooding, and potential environmental damage arising from pollution caused by the development were it to flood. Appropriate development is defined in the guidelines as development whose vulnerability to flooding is such that it is generally acceptable within a particular flood zone.
- It is submitted a technical expert must determine how vulnerable the development is and its appropriateness in particular flood zones, for solar panels in this instance.

Technical Aspects

- As set out in the supporting Technical Letter, solar panels are deemed a water compatible development and should not be coupled with other essential infrastructure.
- Neither the planning authority planning reports nor the Environment Department reports offer any explanation or assessment on the compatibility of solar panels within flood zones other than deeming the Council does not accept the applicant's position that the solar panels are water compatible. There was no assessment of the water compatibility of solar panels. Solar panels in flood zone areas is an established precedent e.g. ABP Reg. Ref. PL04.301994 in Co. Cork, P.A. Reg. Ref. 21/225 in Co. Longford, P.A. Reg. Ref. 19/6168 in Co. Westmeath, and P.A. Reg. Ref. 17/11 in Co. Offaly.
- The primary mitigation measure is to place the solar panels above the 0.1% AEP flood event with a freeboard of 0.3 metres. Considering the development

lifespan this is considered sufficient to ensure that the solar farm will not be impacted from a 1% AEP (plus climate change) and the 0.1% AEP flood event.

- The only component of the solar array that will be within potential flood levels are the panel mounting structures. Access roads, substation, and sensitive equipment are located in Flood Zone C.
- Solar panels can be submerged during a flood event and examples can be found in floating solar PV developments in the UK. However, due to ease of raising the panels they have been elevated above the predicted flood level.
- While a justification test is not required, given solar panels should not be considered highly vulnerable, a test was submitted and accepted by the planning authority following a further information request. That test demonstrated the development will not increase flood risk elsewhere. Only the panel mounting structures will actually be located within the flood extents.
- The panels are water compatible, appropriate mitigation has been incorporated, and the panels will not impact on the water regime/flood flows through the site.
- A Technical Letter prepared by JBA Consulting dated 22nd September 2021 as well as a copy of the Flood Risk Assessment submitted as part of the further information response, are submitted as part of the grounds of appeal.

6.1.2. Third Parties

Three separate grounds of appeal were received from:

1. Edward Casserly, Moyaugher, Cortown, Kells, Co. Meath (who resides opposite the site)
2. Hendrik W van der Kamp Town Planner, on behalf of local residents (63 no. names and addresses attached)
3. Pat Lynch, Battersea House, Proudstown Road, Navan, Co. Meath C15 P6W4 (approx. 11km east of the South Parcel).

The main points made can be individually summarised as follows:

Edward Casserly

- The appellant is in favour of renewable energy, but this application is vast in scale and in the wrong location.
- A solar farm of the scale proposed is more suitable for an off-road, back field location not overlooked by residential properties.
- The visual amenity of both the appellant's residence and the area will be negatively impacted because of proximity to houses and the graveyard at Moyaugher, the height of the solar panels on land already higher than the road level, industrialisation of the rural area, and would be an unduly obtrusive feature.
- The Council's decision is inconsistent with recent planning application decisions in the area. One of the reasons P.A. Reg. Ref. 21/356, for a house, was refused permission was that it would 'depreciate the value of the adjoining properties and would set an undesirable precedent for future development in the area'. It is hard to imagine a solar farm of the scale proposed would not do likewise.

Hendrik W van der Kamp on behalf of local residents

- Apart from the distribution of an information pack without opportunity for discussion, the applicant has not engaged with local residents. The appellants regret this as they are not opposed to solar energy per se.
- Zoning objectives must be included in a development plan. The lands on which the proposed solar farm is proposed are not zoned for any purpose in the County Development Plan 2013-2019 i.e. there is no particular class of land use that is being promoted in the development plan. A development objective relating to energy is also a mandatory objective that must be included in a development plan. Chapter 8 (Energy and Communications) sets out policies in relation to renewable energy which includes solar energy. Apart from a general objective to investigate the potential of renewable energy, the chapter does not include any development objective dealing with solar energy. As the subject site is not zoned, and the development plan does not include objectives

in relation to solar energy, the plan is neutral on the provision of solar energy anywhere in the county.

- Where rural areas are not zoned for any purpose, it is generally interpreted to mean the existing use will continue i.e. agriculture with individual houses. Having regard to the scale of the proposed development it is submitted that such a development cannot be considered in an area that is not zoned for any particular purpose without materially contravening the development plan. This was not accepted by the planner assessing the planning application.
- Wicklow Heritage Trust Ltd. v Wicklow Co. Co. [1998] IEHC 19 (Ballynagran) related to a proposal by Wicklow Co. Co. to develop a large waste facility in an unzoned, rural area. There were no objectives in the development plan relating to the provision of such facilities. The High Court concluded that 'a development plan forms an environmental contract between the planning authority and a community, embodying a promise by the Council that it will regulate private development in a manner consistent with the objectives stated in the plan …' The court decided that the development constituted a material contravention of the development plan. In this case similar, if not identical, circumstances apply. While there are policy statements in the plan relating to renewable energy, they are not the same as objectives.
- Both the applicant and the planning authority planner assessing the application appear to have rejected the statement in the original observation on the planning application that the development was in material contravention of the plan. In the applicant's response to the further information request relating to addressing third party observations, the applicant stated that on the basis of the planning framework for the county the principle of development is established. This is factually incorrect and displays a flawed understanding of the statutory aspects of a development plan. The land is not zoned and there are no objectives in the plan relating to solar energy. As objectives in relation to energy provision are mandatory objectives, it follows that the plan does not establish the principle of the proposed development.

  The planner's conclusion in the first Planning Report is equally incorrect where it states the proposed development is consistent with the policy context and

therefore acceptable in principle. The 'policy context' is summarised in pages 4-9 of the report. Of the 20 no. policies referred to, only three relate to solar or renewable energy. None of the 10 no. objectives listed relate to provision of renewable energy infrastructure in the rural area. The absence in the report to an explicit development objective for the provision of renewable energy infrastructure or solar farms is a clear confirmation that the proposed development must be in material contravention of the development plan. The development plan was varied on five occasions, but no updating of the land use zoning matrix was undertaken.

The clearly correct interpretation of the 'environmental contract' in an unzoned rural area is that the planning authority has determined that no development such as residential, industrial, or retail is envisaged for this area. A large renewable energy project conflicts with this principle. The proposed development is not in accordance with the provisions of the development plan.

- Without the substation and the underground cable connecting the two land parcels the proposed development cannot operate and the planning application is, in effect, incomplete. It is appreciated that there is an obligation to apply separately for the substation. Though the development description for that application appears to include the connecting cable, the further information response suggests that a separate application will be lodged. Energy generated on the South Parcel cannot be connected to the grid in the absence of the connecting cable. There is no guarantee that it will be underground, or that permission will be granted. The appeal should be dealt with in conjunction with the substation application and evidence required of permission for the connecting cable.

- Notwithstanding the material contravention issue, the site is unsuitable because of the proximity of local roads around three sides of the South Parcel, the proximity of houses facing the site in the South Parcel in particular, the proximity of the solar panels to an equine business, and the proximity to nearby graveyards of historic significance. Notwithstanding hedgerow planting, the security fence will result in an industrial-type environment. The South Parcel in particular is quite exposed. It is doubtful that the applicant's statement that there is an obligation on planning authorities to have regard to the suitability of sites

from the perspective of the viability of the proposed solar farm and commercially viable grid connections, is a valid planning consideration. This consideration should be excluded.

A requirement listed by the applicant that must be met for a suitable site is 'lands with potential to provide for residential exclusion areas and minimise potential impact to amenity'. This has not been properly assessed in the site selection process.

- The development will detract from the visual amenity of the rural area, seriously injure the residential amenity of existing houses, and detract from the character and setting of the nearby graveyards. P.A. Reg. Refs. KA/201645 and KA/201646 relate to refusals of permissions for two houses which were considered to detract from the visual amenity of the area.
- The applicant has failed to comply with the recommendation that developers carry out community consultation in advance of the lodgement of a planning application as set out in the 'Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland'.
- Recommendation 18 of the guidance recommendations states that a decommissioning statement should be included as a standard component of a planning application. A decommissioning statement should be submitted for the approval of the planning authority should permission be granted.
- There is a responsibility for a planning authority to identify suitable locations for renewable energy projects.

<u>Pat Lynch</u>

- The proposed development is contrary to development plan 2013-2019 provisions to provide for agriculture and rural development. The overriding goal for rural development is 'To encourage the continued sustainable development of rural communities without compromising the physical, environmental, natural and heritage resources of the County'. The loss of 121.5 hectares of good quality agricultural land would materially contravene this overriding goal.
- The goal for agriculture in the plan is 'To maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at

the same time finding alternative employment in or close to rural areas to sustain rural communities'. Again, the replacement of agricultural land would materially contravene this goal.

- The proposed development is not consistent with the stated important principle in the forthcoming 2021-2027 plan that agricultural activity will be accommodated as a first priority. This type of solar farm proposal replacing good quality agricultural land is being repeated at numerous rural locations in Co. Meath.
- The submitted Planning and Environmental Report only provides a selective assessment of significant impacts and does not consider material assets or the permanent loss of agricultural land. The Council has erred by not requesting a sub-threshold Environmental Impact Assessment Report, so the Board is invited to do so as part of its assessment.
- The appellant opposes the proposed development on the basis of the individual and cumulative loss of non-renewable agricultural land in Co. Meath.

6.2. Planning Authority Response

The main points made can be summarised as follows:

- In respect of the first party appeal, the Board will note the content and recommendations contained in the internal report from the Environment Department (Flooding).
- The planning authority is satisfied that all matters outlined were considered in the course of its assessment.
- The proposed development is considered to be consistent with the proper planning and sustainable development of the area.

6.3. Observations

Two observations were received by the Board on foot of the grounds of appeal. Observations were received from the following:

1. Val Martin, Drumsallagh, Kingscourt, Co. Cavan A82 DD70 (approx. 25km north of the North Parcel).
2. James Butler, Colette Butler, Nicholas Butler, and Claire O'Broin, Balrath Boyne, Cortown, Kells, Co. Meath A82 T2R7 (the property immediately adjacent to the site along the western/roadside boundary of the South Parcel).

The main points made can be individually summarised as follows:

Val Martin

- The application should be marked invalid and if not, be refused.
- There is no SEA under Directive 2001/42/EU for solar energy. Article 3(2) requires full assessment.
- The solar farm application is proceeding without proper authority. Reference made to EU case no. 24/19 which relates to a wind farm in Belgium.
- Expertise is required to be used in the EIAR. They must demonstrate how solar energy can reduce dependence on fossil fuels. An EIAR is required per Annex 3(a) of Directive 2011/92/EU.
- Current crises in Ireland's electricity supply is evidence that renewable energy is not the answer.

James Butler & Others

James Butler and Colette Butler are residents and business owners (James Butler is a farrier), Nicholas Butler is a resident and director of Nicholas Butler Sport Horses Ltd., and Claire O'Broin is also a director of that company.

- The proposed development is entirely incompatible with the nature of the observers existing businesses, established at this address for over thirty years, and with the welfare of their animals. The development would be extremely detrimental to the animals' welfare and, as a result, the observers livelihood. This does not appear to have been considered by the applicant or the planning authority. This is arguably the property most impacted. The applicant offers no supporting material when refuting the observers concerns. The observers' claims are backed up by credible research as well as decades of experience. The dismissal of Horse Sport Ireland's support of the observers' submission

was unreasonable, and it should have been considered a credible body to comment.

- The arena is an essential piece of infrastructure, at the core of day-to-day business. The proposed development, 50 metres away, is incompatible with the critical function of this space. One end of the arena will face directly into the arrays. The arena is not acknowledged in the application documentation or the decision, nor the potential impact of glint and glare on high-performing animals. H55 is referred to as a dwelling, an entirely different matter. The health and safety issue posed by potential for glint and glare is enormous. The applicant insists an appropriate glint and glare assessment has been undertaken but the requirement for modelling to assess the impact from the arena has not been considered in any way despite being one of the most susceptible areas.
- Proposed screening will take a number of years to grow and mature sufficiently to mitigate in any meaningful way.
- Sections from the British Horse Society's 'Advice on Solar Farms' are set out.
- The applicant refers to ABP-300389-17 where the Inspector did not see that the development would be incompatible with surrounding activity, including equine enterprises and bloodstock. The nature of the observers' concern is not the incompatibility of the development, it is the incompatibility of the development in such proximity.
- The proximity has potential to be devastating for the animals, and as a result, the business, and its viability.
- In relation to noise, the constant hum that will be emitted is of concern as it would disturb the highly strung horses. Traffic along the road is extremely low in volume. Content from the 'Advice on Solar Farms' is again referenced. The effect of wind noise is set out. Significant construction activity for an extended period will undeniably be very distressing for the horses and competition performance is highly likely to be impacted, a consideration in their sale and value.
- Concern about the detrimental impact of the proposed development, on three sides, on the value of the property. The collective loss of property values must

also be considered. A US study is referenced. In Europe, developments of this size are typically located in remote lands.

- The observers are in support of solar farms, carefully located in accordance with the county development plans so as not to have a significantly negative impact.

6.4. Further Responses

A further response was received from the first party, Harmony Solar Meath Ltd., to the third party grounds of appeal. The main points made can be summarised as follows:

- Material Contravention of the Development Plan – In Element Power Ireland Ltd. v An Bord Pleanála [2017 IEHC 550] it was determined that a lack of national policy or guidelines at a local level for renewable energy projects are not a grounds for refusal, and it also sets out what a development plan must include with regard to policy provision. There are sufficient local policies contained in the Meath County Development Plan to direct solar farm development within the county. Further, there is significant precedent in facilitating such developments on agricultural land e.g. P.A. Reg. Refs. AA/170860, TA/180167, KA/161319, and KA/161206.

  In the unlikely event the Board considers the project constitutes a material contravention, the Board can grant permission in particular circumstances. In this instance there is significant national and regional policy support.

- Incomplete Application – There is nothing in planning law that would suggest that the underground cable connecting the two solar fields must be included in the planning application. The Supreme Court has also confirmed this approach in the context of EIA.

- Loss of Agricultural Land – The concern is understood at the micro-level; however the proposed development will not result in any permanent loss of agricultural soil. Agricultural productivity will reduce but the land can still be farmed with certain types of activity e.g. sheep grazing. Given the absence of intense agricultural activity the quality of the land in the long-term will be rejuvenated. The Board has taken the view that since there is no grading

system for land there is no guidance or policy which would preclude the development of solar farms on agricultural land (ABP Reg. Ref. PL17. 248939). PL17. 248028 states that there is no evidence that large scale solar would compromise the value of agri-food such as would outweigh the benefits of the renewable energy development.

- Development Should be Subject of EIA – As solar is not an EIA category it cannot be legitimately considered a requirement to prepare a sub-threshold EIA. However, an EIA screening was submitted with the planning application, as well as a Planning and Environmental Report. These clearly set out areas for potential significant effect and how these have been addressed. The Board has sufficient information to consider the environmental effect of the project.
- Residential Amenity – The issues have been comprehensively addressed in the planning application and further information response. A landscaped exclusion buffer of 30 metres from the boundary hedgerow is proposed in the South Parcel on land adjacent to houses. An extended and landscaped buffer of 50 metres is proposed at the residence and location of Butler Sport Horses (H55). All residences except H55 are on the opposite side of the road resulting in separation distances of houses to proposed panels of 45 metres – 65 metres. H55 will be approx. 73 metres from solar panels. No site infrastructure is proposed adjacent to the boundaries of the South Parcel. At maximum height panels will be 3.2 metres from the ground, screened by both the bolstered existing hedgerow and proposed landscaping. The panels will not be overbearing, or highly visible, from houses or the public road. The Landscape and Visual Impact Assessment (LVIA) found the residual impact to be 'slight imperceptible' with a 'low negligible' magnitude of visual impact. CCTV will not monitor lands outside the boundary.
- Decommissioning – The applicant does not oppose the inclusion of a condition for a decommissioning plan. Submission of a restoration plan was included as Condition 16 of the planning authority decision.
- Need for a Plan-Led Approach – There are sufficient policies to direct solar farm development in Co. Meath. It is outside the remit of this submission to advocate for additional or less guidance or policies relating to solar farms.

- Devaluation of Property – No evidence has been put forward as to why devaluation of property would occur. The issue was adequately addressed in the further information response. The Sustainable Energy Association Ireland have not identified any studies which determine that proximity to ground mounted solar farms has a negative impact on property prices. ABP Reg. Ref. PL04. 247521 is quoted which indicates the lack of evidence for property devaluation with respect to solar array development.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the observations and submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Material Contravention / Principle of Development
- Impact on Adjacent Amenity
- Traffic and Transport
- First Party Appeal / Flood Risk
- Loss of Agricultural Land / Biodiversity
- Archaeology
- Incomplete Application

An Appropriate Assessment is also required.

7.1. Material Contravention / Principle of Development

7.1.1. Third parties consider that the proposed development comprises a material contravention of the Meath County Development Plan, and that the proposed site location in this rural area is inappropriate.

Material Contravention

7.1.2. The issue of material contravention forms a significant basis for the grounds of appeal from Hendrik W van der Kamp on behalf of local residents. The issue was also raised in an observation on the planning application and addressed by the applicant in item 6 of the further information response. A summary of the grounds of appeal in relation to material contravention, and the applicant's response to it, are set out in sections 6.1.2 and 6.4 of this report. The crux of the grounds of appeal is the absence of relevant objectives/zoning objectives in the Meath County Development Plan 2013-2019. I would note that the plan now in place is the Meath County Development Plan 2021-2027, and it is this plan that is the relevant plan for the purpose of considering this appeal.

7.1.3. There is a robust, high-level, policy framework in place that supports increasing the amount and share of renewable energy and reducing reliance on fossil fuels and emission of greenhouse gases. As set out in section 5.0 of this report, both national and regional policy anticipates that future renewable energy generation will occur in rural areas.

7.1.4. The Meath County Development Plan 2021-2027 is now the relevant plan under which this planning application is assessed. It is noted in section 6.15.3.1 that 'Large scale solar farms have been positively considered on suitable sites within the County in the recent past. As of May 2019, twenty solar photovoltaic farms were granted planning permission across the County'. INF OBJ 39 states that it is an objective of the Council 'To support Ireland's renewable energy commitments outlined in national policy by facilitating the development and exploitation of renewable energy sources such as solar, wind, geothermal, hydro and bio-energy at suitable locations within the County where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity or local amenities so as to provide for further residential and enterprise development within the county'. In my view, this objective makes clear that any proposed solar farm development in a rural area is supported in principle by the plan and that to permit it would not materially contravene the provisions of the plan.

7.1.5. Having regard to the supporting national and regional policy framework which acknowledges both the requirement for renewable energy development and its likely

location in rural areas, the number of similar solar farm developments permitted in the rural area of Co. Meath, and the provisions of the Meath County Development Plan 2021-2027, including INF OBJ 39, I am satisfied that the proposed solar farm development would not materially contravene the provisions of the plan.

Principle of Development

7.1.6. The applicant's Planning and Environmental Report (chapter 3) sets out in detail the policy context and the need for the proposed development. The policy context is also referenced in section 5.0 of this Inspector's Report. Strong support for development of renewable sources of energy is evidenced at all levels of the policy hierarchy to reduce reliance on fossil fuels. Renewable energy offers sustainable alternatives. The relevant policy framework support for solar farms is robust.

7.1.7. In terms of the rural location, the NPF acknowledges that 'the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting', while protecting the integrity of the environment and respecting the needs of residents of rural areas. The RSES similarly notes that 'the location of future renewable energy production is likely to be met in rural areas'. The provisions of the Meath County Development Plan 2021-2027 are addressed under 'Material Contravention', above, and the relevant provisions of the Plan also indicate that renewable energy development in rural areas are supported in suitable locations, subject to particular considerations.

7.1.8. Having regard to the foregoing, and to the numerous examples of similar developments in rural areas, I consider that the principle of a solar farm at this location is acceptable, subject to the detailed considerations in this assessment.

Conclusion

7.1.9. The proposed solar farm development would not materially contravene the provisions of the Meath County Development Plan 2021-2027 and, having regard to the robust policy framework supporting renewable development and the pattern of permissions for such developments in the rural area, the proposed development is considered to be acceptable in principle, subject to normal planning considerations.

7.2. Impact on Adjacent Amenity

7.2.1. Third parties object to the proposed development on the grounds of adverse impact on amenity including visual impact, glint and glare, impact on the adjacent equine businesses, noise impact, construction nuisance, and devaluation of property. One observation received relates specifically relates to the impact on an adjacent equine-based business. The various elements are separately considered as follows.

Visual Impact

7.2.2. A 'Landscape and Visual Impact Assessment' (LVIA) was submitted as appendix 12.1 of the applicant's Planning and Environmental Report. It was prepared by Macroworks and is dated December 2020. A landscape impact assessment relates to assessing effects of development on the landscape as a resource in its own right, whereas a visual impact assessment relates to assessing effects of a development on specific views and on the general visual amenity experienced by people.

7.2.3. In the Meath County Development Plan 2013-2019 the site was situated within Landscape Character Area (LCA) 16 – 'West Navan Lowlands'. It was described as having a moderate landscape value, a medium landscape sensitivity, and local landscape importance. In the Meath County Development Plan 2021-2027, the site is still designated LCA 16 – West Navan Lowlands. It is described as a moderate value landscape character area with a moderate sensitivity. A Landscape Capacity map indicates various types of development and its likely acceptance in each LCA. This is similar to the corresponding map in the 2013-2019 Plan. The relevant 'Views and Prospects' map is also similar in terms of those within the general vicinity of the site.

7.2.4. Computer generated Zone of Theoretical Visibility (ZTV) maps were prepared. The main value of the bare ground ZTV map is in determining which parts of the study area the proposed development would definitely not be visible from. Digital surface model and mitigation (existing/proposed landscaping) based ZTV maps were also prepared which indicates that the potential for visibility is substantially reduced.

7.2.5. For landscape impact, the landscape sensitivity to the proposed development is deemed to be medium-low. The magnitude of landscape impact is considered to be medium within and immediately around the site, and likely to reduce rapidly thereafter. The LVIA considers that the overall landscape impact significance would be no greater

than moderate-slight, with most of the 5km radius study area likely to experience slight and imperceptible landscape impacts.

7.2.6. 13 no. viewshed reference points (VRPs) were selected for studying the visual impact of the proposed development and were selected based on specific criteria. Photomontages have been submitted (an 'LVIA Photomontages' booklet), prepared by Macroworks and dated February 2020. A tabular analysis and assessment of visual receptor sensitivity at each VRP is set out in table 1-7 of the LVIA. Each VRP is individually described and considered. Of the 13 no. VRPs, the most significant pre-mitigation visual impacts are considered to be 'moderate slight' at viewpoint (VP) 9 (cemetery, Moyagher Lower), VP10 (local road, Milltown), and VP11 (local road, Balrathboyne Glebe). The most significant residual visual impacts are considered to be 'slight-imperceptible' at VP9 and VP11. Overall in terms of landscape and visual impact, the LVIA considers the proposed development would not give rise to any significant residual impacts and this is testimony to site selection within a well contained rural landscape.

7.2.7. The applicant's Planning and Environmental Report considers that the main mitigation by avoidance measure in terms of landscape and visual impact is the siting of the proposed development 'in a flat and relatively well-contained rural area that avails of considerable existing hedgerow screening and has a productive rural landscape character'. It is also considered that it can be readily screened by additional planting. The main visual impact concerns come from the visibility of the proposed solar farm from the houses along the local road to the south and south west of the South Parcel, the perceived inadequacy of existing and additional planting measures, and the 'industrialisation' of the rural character of the area by the security fencing.

7.2.8. Item 6 of the applicant's further information response included a response to issues raised in third party observations, including impact to residential amenity. The applicant references 30 metres exclusion buffers along the local road in the South Parcel (50 metres around the Butler property), the proposed landscaping to this area, and the separation distances achieved between houses and solar panels (minimum 45 metres with the Butler house at approx. 73 metres). Solar panels would be a maximum height of 3.2 metres, screened by existing and proposed landscaping, and the applicant does not accept the panels would be either overbearing or highly visible from houses or the public road.

7.2.9. I acknowledge the residents' concerns about the alteration of the rural character of the general area, the South Parcel specifically, given its closer proximity to houses and public roads than the North Parcel. Notwithstanding, most views would be screened by the existing/bolstered hedgerow and proposed landscaping. The buffer zones proposed and the additional planting, which provides a 'meadow' area either side of the proposed woodland thicket to avoid a 'wall' effect if trees were planted onto the boundary, would further reduce visual impact from ground level. It is likely that views of the solar farm area would be more extensive from first floor levels.

7.2.10. I consider that the LVIA and photomontage booklet submitted with the application is an accurate reflection of the impact that the proposed development would have, and it is sufficiently detailed. Though based on the previous County Development Plan (2013-2019), there would be no material difference had it been prepared in accordance with the current 2021-2027 plan, which came into effect after the first and third party appeals had been received by the Board. The proposed solar panels, though extensive in overall area, are relatively limited in height with a maximum height of 3.2 metres above ground. I do not consider they would be overbearing, particularly given the set backs proposed from the public road in the South Parcel.

7.2.11. Though there is no specific solar farm designation in map 4 (Landscape Capacity) of the Landscape Character Assessment in the Plan, the map does include 'overhead cables, substations and masts' which LCA 16 has a low-medium capacity for, and 'wind turbines' which LCA 16 has a medium capacity for. I acknowledge wind turbines are not proposed but it gives an indication as to the landscape capacity of the area for larger scale renewable energy developments. A solar farm would have a significantly lower impact on the landscape than wind turbines would.

7.2.12. As a related issue to visual impact, item 2 of the applicant's further information response states that no lighting is proposed for the solar farm area. Therefore, there would be no light pollution to nearby houses.

7.2.13. In conclusion, having regard to the content of the LVIA, to the relatively flat nature of the site parcels, the extent of existing and proposed landscaping at particular locations, the buffers to be provided, and the limited height of the proposed solar panels, I consider that the proposed solar farm would not have an undue adverse impact on the visual amenity of the area.

Glint and Glare

7.2.14. Appendix 13.1 of the applicant's Planning and Environmental Report comprises a 'Glint and Glare Assessment', prepared by Macroworks dated December 2020. A general description of glint and glare is provided, and the assessment methodology is set out. A total of 106 no. houses were examined. Glint and glare is geometrically possible in a bare ground scenario in 81 no. cases. After discounting cases where, with existing screening, maximum total minutes of glint and glare is less than five minutes per day for a house, or where the total number of minutes per year would not exceed sixty minutes, the second floor of two houses would be affected, Nos. 57 and 67 (labels given for the purpose of the assessment), which are both to the south west of the South Parcel. When mitigation planting is taken into consideration and the same time constraints applied, the second floor of No. 67 could potentially be subject to glint and glare for a maximum 118 minutes a year over a period of 51 no. days with the panels at a 25 degree angle. The maximum number of minutes per day that could result in glint and glare would be six minutes if the solar panels were at a 15 degree angle. The figures provided are worst-case scenarios where the sun is always shining, and the solar panels are at specific angles. I note that, in practice, the sun will not always be shining, and the solar panels would not always be at the most 'problematic' angle. The assessment considers there would likely be no material nuisance effects towards surrounding houses.

7.2.15. The road network in the vicinity that could theoretically be affected by glint and glare was considered at 50 metre intervals. The assessment notes that glint and glare can only be experienced for the length of time it takes to travel along the affected section. A total of 205 no. road receptor points were examined. Glint and glare is geometrically possible at 52 no. of these. When existing screening is taken into consideration 15 no. receptor points have the potentially to be materially affected. These are along the local road to the south west and south of the South Parcel and in the vicinity of the proposed South Parcel site entrance. The applicant considers temporary mitigation, in the form of e.g. wind-stop/shade netting as used in horticulture, could be implemented to screen potential reflectance until new planting matures. Two receptor points, immediately south of the proposed site entrance, would experience some glint and glare even after mitigation planting. The assessment states that 'Travelling along this section of road any potential glare would be offset greater than 50 degrees to the direction of travel –

rather than in alignment with the road ahead, thus it will not impact on the driver's safe visibility of the road directly ahead …' The assessment concludes that glint and glare is considered very unlikely to prove hazardous for road users. This issue was also addressed by the applicant in the response to item 6 of the further information request in relation to road users, including use by horses and riders.

7.2.16. Issues relating to aviation receptors are described. Athboy Aerodrome is approx. 3km to the south of the South Parcel (Dublin Airport is approx. 48km to the south east). Software analysis identified no glare on either approach path to the runway.

7.2.17. I consider that the Glint and Glare Assessment provided by the applicant is a detailed and robust document. The potential for glint and glare and its impact on properties in the vicinity has been clearly outlined. While there would likely be some degree of glint and glare, the documentation indicates that it would not be significant. There would be very limited effect at ground level/1.7 metres in height and limited effect at first floor level. The assessment outlines conservative scenarios though in reality the sun would not always be shining, and the solar panels would not necessarily be at the most problematic angle.

7.2.18. An observation on the grounds of appeal was received from James Butler & Others which refers, among other issues, to the potential effect of glint and glare on horses using the adjacent property and the local road. The absence of specific reference to the equine businesses in the Glint and Glare Assessment is referenced. Appendix A of the assessment outlines the 'bare earth', with existing screening, and with added screening scenarios for each house, the Butler house being identified as No. 55. At ground floor level, the worst-case scenario is a maximum of six minutes per day with an average of less than three minutes. However this would be in a bare-earth scenario with a 25 degree solar panel angle. There would be no ground floor impact with the existing or proposed screening. Glint and glare at first floor level would be significantly increased in a bare earth scenario but is limited in both the existing and proposed screening scenarios.

7.2.19. While the impacts to the paddock and arena may be different to those set out for the house, the observers have not provided any information or documentation outlining what glint and glare would actually occur. An increased landscaped buffer of 50 metres is proposed from the Butler property. The solar panels are angled in a southerly

direction, as opposed to directly facing into the arena and paddock. I would note that, when it comes to glint and glare, the specific times it would occur can be predicted. The Butler house is included in Appendix C of the Glint and Glare Assessment. This shows the times and months glint and glare is possible (early morning from April to September in a bare earth scenario. However, with existing screening it is for short periods around 7am in late April and mid-August). Glint and glare is predictable, it does not spontaneously occur at random with no warning. Notwithstanding, I consider it reasonable that mature buffer landscaping should be provided around the Butler property prior to the commencement of any other construction works in the South Parcel. In addition, judging from Google Earth, it may be possible for the observers to provide some additional screening inside their northern site boundary if required.

7.2.20. In conclusion, I consider that the proposed solar farm development would not result in undue adverse glint and glare impact to properties in the area.

Impact on Adjacent Equine Businesses

7.2.21. The observation from James Butler & Others refers, among other issues, to the basic acceptability of a proposed solar farm in such close proximity to the two existing equine-related businesses: a farriery and sport horse enterprise. The observation considers that the proposed development is incompatible with and detrimental to the nature of these existing businesses.

7.2.22. As set out in section 7.1 of this assessment, renewable energy development in a rural area, such as a solar farm, is supported by a robust policy framework. A significant number of such projects have been permitted, both in Co. Meath and other counties. Therefore, in principle, there is no policy objection to the siting of the solar farm at this location, though other aspects of the proposed development are also considered.

7.2.23. Glint and glare is an issue particularly cited in the Butler observations both to the planning authority and the Board. This has been addressed above. The applicant has submitted a number of other reports and assessments which set out the impact of the proposed development on the surrounding area. While I note the observers concerns, there is no specific data or analysis which outlines how the proposed development would affect the observers' property/businesses, other than a general position that it would be incompatible.

7.2.24. The issue of conflict between proposed solar farms and existing equestrian activity has been raised in previous planning applications. In ABP-300389-17 (Pollardstown, The Curragh, Co. Kildare), the Inspector's Report stated 'It is not reasonable that the equine/bloodstock industry should seek to restrict the types of development which can be carried out on privately-owned land – particularly where such development is in accordance with national policy and County Development Plan policy … I do not see that a development of this nature would be in any way incompatible with surrounding agricultural activity – including equine enterprises and the bloodstock industry'. The Board granted permission in line with the inspector's recommendation. While each planning application is considered on its own merits, I concur with the inspector in this regard, particularly where no robust evidence to the contrary has been provided to clarify the impact that would occur from the proposed development.

7.2.25. I consider that, having regard to the policy framework in place, it has not been sufficiently demonstrated that the proposed solar farm would have such an adverse impact on the adjacent property and equine-related businesses that permission should be refused.

Noise

7.2.26. Noise is addressed in section 10 of the applicant's Planning and Environmental Report. The nearest house to the North Parcel is approx. 250 metres to the north west whereas the nearest house to the South Parcel is approx. 45 metres from the west boundary, though there are also a number of houses within 50 metres. The closest houses to an inverter station are approx. 175 metres away. The Butler property boundary would be approx. 120 metres from an inverter station.

7.2.27. Noise would arise at construction stage and appropriate applicable limits are set out in table 10-1 of the applicant's Report. Construction noise was assessed by comparing predicted construction activities against best practice construction noise criteria. The applicant considers that the parameters used make the noise modelling exercise a conservative one. These various activities are expanded on in the applicant's Report, but in all cases the predicted noise levels at the nearest noise sensitive locations are less than 65 dB(A) $L_{Aeq,1hr}$.

7.2.28. There is no predicted noise emission from the solar panels during operation, though the inverter stations, of which there may be up to 75 no., are a potential noise source.

Noise emissions from the control building in the South Parcel are said to be negligible. The site is assumed to be an 'area of low background noise' as it does not meet the criteria for a 'quiet area', primarily because of the proximity to Kells. Notwithstanding that the proposed development does not require an IPPC or waste licence, Environmental Protection Agency noise emission limit standards for those activities are set out i.e. 45 dB(A) for daytime, 40 dB(A) for evening, and 35 dB(A) for night-time. It was found that the highest predicted noise during the day would be 44.5 dB(A) at receptor H55, adjacent to the South Parcel. The predicted noise level at evening and night at H55 was 34.5 dB(A). For the North Parcel, the highest predicted noise level is 36.3dB(A) at H24 during the day, and 32.3dB(A) during evening and night. It is expected that tonal noise will not be audible at noise sensitive locations.

7.2.29. Having regard to the foregoing, I do not consider that the proposed development would have any undue adverse noise impact on property in the vicinity. Notwithstanding, I consider it reasonable to include a standard noise condition in any grant of permission.

Construction Nuisance

7.2.30. The applicant's Planning and Environmental Report states the development would have a 16-18 month construction period. Required plant is outlined. There are 95 no. receptors located within 1km of the North Parcel and 106 no. houses and commercial receptors within 1km of the South Parcel, all shown in figure 9-1 of the report. Construction traffic is summarised in section 7.3 of this assessment. Construction impacts will be, according to the applicant, temporary and localised and from most areas construction activity would be well screened by vegetation.

7.2.31. Potential for dust during the construction phase is outlined in the report. On a development of this type, soiling effects could occur up to 50 metres from source. However, given the buffer zone to be applied there would be no house within 50 metres. The CEMP includes mitigation measures to reduce dust nuisance and minimise impact on air quality.

7.2.32. Some construction nuisance to local residents is an inevitable impact of development. However, certain mitigation measures can be put in place to reduce these as much as reasonably possible such as restrictions on working hours, haul routes, noise and dust mitigation etc. The requirement for submission of a Construction Management Plan

for agreement of the planning authority prior to commencement of development can be included as a condition, should permission be granted.

Devaluation of Property

7.2.33. Devaluation of property has been raised as a concern by third parties, based on the proximity of the proposed solar farm to houses.

7.2.34. These claims are not supported by any robust evidence or studies and there are many examples of solar farms being granted permission in proximity to houses. For example, in granted planning application ABP-303636-19 at Kildoon, Celbridge, Co. Kildare, there were 21 no. houses backing onto the site. The site, though located in a rural area, is subject to development potential as supported by the national policy framework, and indeed the RSES states 'the location of future renewable energy production is likely to be met in rural areas'. Therefore, development such as this has been permitted, and will likely continue to be permitted, in rural areas.

7.2.35. Having regard to the policy framework and support for renewable energy development in rural areas, I do not consider that proposed development can reasonably be refused on the basis of a devaluation of property.

Decommissioning

7.2.36. The applicant's Planning and Environmental Report states that at the end of the operational lifetime of the proposed solar farm, the solar array components will be disassembled and removed from site. Wiring and cables will be recovered. Structures and fencing will be removed to facilitate the resumption of agriculture. Only foundations of the control cabins will remain, and they will be top soiled over. The access tracks will remain should the landowners wish, and the local authority agree. The development will be easily reversible. It is anticipated that the substation will be retained.

7.2.37. I consider that the standard condition relating to decommissioning/site reinstatement would be appropriate.

Consultation

7.2.38. A number of third parties refer to the inadequacy of pre-application consultation with residents. However, there is no mandatory requirement for a prospective applicant to engage in pre-application consultation with local residents.

Conclusion

7.2.39. Having regard to the foregoing, I consider that the proposed solar farm development would be consistent with the relevant policy framework, it would not have any undue impact on visual amenity, it would not result in undue glint and glare or construction/operational phase noise nuisance, or any other undue impact on third party amenities, such that planning permission should be refused.

7.3. Traffic and Transport

7.3.1. The observations received by the planning authority on foot of the planning application include concerns about the volumes of traffic and the nature of the existing road infrastructure.

7.3.2. Section 8 (Traffic and Transport) of the applicant's Planning and Environmental Report describes the existing road network in the vicinity and the potential traffic and transportation impacts on same. Though there are national and regional roads in the wider vicinity, both sites are accessed from local roads (the L6835 for the North Parcel and L8003 for the South Parcel), with the North Parcel access point utilising an existing agricultural field gate. Internal access tracks would be approx. 3.5 metres wide, though the access track from the local road to the substation in the North Parcel would be 5 metres wide. Just inside the entrances a stretch of the road would be widened to provide an internal passing bay. Separate haul routes are proposed for each parcel, set out in figure 8-12 of the Planning and Environmental Report. The existing masonry arch bridge approx. 350 metres west of the North Parcel entrance was found to have sufficient capacity to withstand HGV loads proposed (appendix 8.2 of the applicant's report refers to this). An adjacent passing bay on the L6835 is proposed to assist in traffic management such that it would provide additional road width to allow oncoming vehicles to pass any traffic waiting to cross the bridge.

7.3.3. The applicant considers that the delivery routes are suitable to accommodate HGV traffic in terms of alignment, condition, and width. It is estimated that 2,541 no. additional HGV trips would be generated over the duration of works for the North Parcel (though it appears this excludes some trips that would have already been undertaken for site establishment works associated with the proposed substation, which, according to figure 8-13 would be an earlier stage of construction), and 6,006

no. additional HGV trips for the South Parcel. The applicant has estimated the average solar farm HGV traffic over the construction period as 7 no. trips per day for the North Parcel and 17 no. per day for the South Parcel, increasing to a maximum daily of 22 no. and 34 no. respectively during peak construction activities. These exclude workforce movements which are set out as 13 no. employees at the North Parcel and 14 no. at the South Parcel, with maximum worker numbers of 20 no. on both parcels during peak periods. Estimated traffic generation is not considered to exceed the local road network capacity or to give rise to local traffic obstruction.

7.3.4. The operational solar farm will be monitored remotely with estimated traffic movements averaging three to four visits per month. Figures are also provided for construction of the substation. A site-specific Traffic Management Plan would be prepared prior to construction. By adopting identified mitigation measures e.g. haul routes, on-site turning, adequate signage etc., the construction traffic impact on the local road network is anticipated by the applicant to be temporary to short-term in duration, and slight in significance.

7.3.5. Traffic and transport concerns were addressed as part of the applicant's response to item 6 of the further information request. Inter alia, the applicant stated that there would be no objection to carrying out a pre-construction survey of the road at the site entrance, where the applicant considers road damage is principally associated, and, if required post-construction, reinstate the road to its original condition.

7.3.6. The proposed solar farm development is in a rural location and the road network is typical of these areas. I do not consider there is any deficiency in the network that would render it unsuitable to carry the additional load required during the construction phase. Additional traffic movements associated with the construction phase would be short-term in duration and would not, in my view, lead to any undue congestion or hazard. I note condition 6 of the planning authority's grant of permission required completion of a pre- and post-construction survey of local roads and lodgement of a bond of €100,000 to secure the satisfactory completion of any required repairs. I consider a standard condition in this regard could be attached to any grant of permission that may issue.

7.3.7. In conclusion, I do not consider that traffic and transport issues are a concern for the proposed solar farm development.

7.4. First Party Appeal / Flood Risk

7.4.1. The first party grounds of appeal is focused on the inclusion of solar panels within the definition of essential infrastructure, as set out in condition 10(i), and is seeking to exclude solar panels so they can be located within Flood Zone B. Third parties have cited flood risk as an area of concern.

7.4.2. A Flood Risk Assessment (FRA) prepared by JBA Consulting dated December 2020 was submitted as appendix 6.1 to the applicant's Planning and Environmental Report. From a review of available data, fluvial flooding was identified as the key source of flood risk in the North Parcel, whereas potential fluvial flood risk to the South Parcel was screened out. A section of the North Parcel is at risk of inundation from the 1% and 0.1% annual exceedance probability (AEP) flood events according to the planning authority's broad scale and indicative Strategic Flood Risk Assessment (Flood Zones A and B). Site specific modelling results show that, during the 0.1% AEP event, bank overtopping on the site side of the stream occurs at one point which would result in inundation. There is no inundation during the 1% AEP event or the 1% AEP plus climate change event. The likely Flood Zone B flood extents are overlain on the North Parcel layout in figure 5-2 of appendix 6.1 and only affect the solar array. The FRA considered that, as the only component of the solar array that would be affected is the support framework, it can be classified as a water compatible usage. A 0.3 metre freeboard would be provided above the predicted flood level of 62.11 metres above Ordnance Datum (mOD).

7.4.3. The planning authority's further information request referred to a justification test, location of all 'essential infrastructure', including solar panels, outside Flood Zones A and B, pluvial flood risk, and demonstration that flood risk elsewhere would not be exacerbated. A revised site-specific FRA was required. A 'Flood Risk Assessment' prepared by JBA Consulting dated June 2021 was submitted in response. The specific issues raised in the further information request were addressed as follows:

- The applicant considers that solar panels are water compatible and suitable for placement in Flood Zone B. There is no requirement for a justification test, however one was provided as Appendix D.
- Additional detail in relation to pluvial flood risk was provided. Modelling results show that, though there is localised ponding in the North Parcel and a single

depression in the South Parcel is prone to surface water ponding, no areas within the site would present a flood risk to the solar panel infrastructure. Biodiversity ponds are proposed in areas of surface water ponding.

- Section 5.2 of the revised FRA states that the proposed works would not change the existing local drainage or impact on existing flood issues along the road network. There would be no change in the existing hydrological environment or flow mechanisms onsite. Existing areas susceptible to localised flooding would remain but would not be increased by the proposed activity. There would be no impact downstream during a 0.1% AEP flood event.

7.4.4. Notwithstanding, the planning authority's Environment Department report based on the further information response stated that Meath Co. Co. does not accept the position that solar panels are water compatible and appropriate in Flood Zone B areas, and considered that solar panels were essential infrastructure. Condition 10 of the grant is similar to that recommended by the Environment Section. The applicant's grounds of appeal in relation to condition 10(i) is summarised in section 6.1.1 of this report.

7.4.5. A limited area of the subject site is within Flood Zone B. The associated flood depth is less than 0.3 metres. Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009), classifies the vulnerability of different types of development. Highly vulnerable development includes 'Essential infrastructure, such as … utilities distribution, including electricity generating power stations and sub-stations …' I do not consider that solar panels can be considered as utilities distribution (since the energy generated has to be processed through the substations before being distributed into the electricity grid), and the proposed 110kV substation is not within Flood Zone B. The applicant notes that solar panels do not have a material impact on flooding in the area as they do not form large impermeable surfaces and they are considered to be, as outlined in the supporting Technical Letter to the grounds of appeal, a water compatible development. They are designed for outdoor use and to withstand rainfall events. Only the support framework is physically located within the flood zone and at risk of inundation.

7.4.6. The applicant considers that the placement of solar panels in flood zone areas is an established precedent and notes five of them, permitted by both planning authorities

and the Board. Planning applications for solar farms where solar panels were within flood zones but yet permission was granted by the Board include ABP-305992-19 (Co. Westmeath), and ABP-301994-18 (Co. Cork).

7.4.7. The planning authority provided no rationale for why it considered that solar panels are 'essential infrastructure', and despite it being the focus of the first party appeal, the planning authority did not expand on its position in its response to the grounds of appeal.

7.4.8. Having regard to the documentation submitted with the application, the fact that only solar panels are located within Flood Zone B, that solar panels are constructed for external use and to withstand weather events, the limited depth of any anticipated flood extent, the freeboard to solar panels to be provided, the thin framework which means there would be no loss of flood storage within the flood zone, the absence of a rationale from the planning authority to support its position, and previous Board decisions which permitted solar panels in flood zones, I do not consider a flooding-related condition to be necessary for this permission. For clarity, there is no concern with solar panels in Flood Zone B.

7.5. Loss of Agricultural Land / Biodiversity

7.5.1. The grounds of appeal from Pat Lynch cites concerns over the permanent loss of agricultural land as a result of the proposed development and that it would be contrary to the provisions of the County Development Plan. Impact on wildlife is referenced in other third party observations received by the planning authority.

Loss of Agricultural Land

7.5.2. At decommissioning stage, all solar panels, cabling, structures etc. will be removed and the foundations of the control cabins will be top soiled over. The access tracks may remain, though, in the context of the overall site area, these are not significant in terms of area. The applicant considers the proposed development to be easily reversible.

7.5.3. Having regard to the content of Pat Lynch's grounds of appeal, while I acknowledge that the proposed solar farm would have an impact on the agricultural productivity of the site for the lifetime of the proposed development, I do not agree that the proposed development would result in the permanent loss of agricultural land and would

therefore be contrary to the relevant provisions of the County Development Plan 2021-2027. Further, the relevant policy framework acknowledges that renewable energy development in rural areas are reasonable locations in principle.

Biodiversity

7.5.4. The applicant's Planning and Environmental Report contains a 'Biodiversity and Ecology' chapter. An Ecological Impact Assessment (EcIA) was submitted as appendix 7.1, prepared by Greenleaf Ecology dated 11th February 2021. An Aquatic Ecological Impact Assessment (AEcIA) was submitted as appendix 7.2. It was prepared by Lauren Williams and is dated February 2021.

7.5.5. In terms of biodiversity, measures included in the project design include enhancement of approx. 3,200 metres of the existing approx. 9,800 metres of hedgerows/treelines, approx. 2,750 metres of new hedgerow planting, creation of three biodiversity ponds, and provision of a biodiversity area along the boundary of the South Parcel. The biodiversity area ensures a buffer from houses and would comprise existing hedgerow enhancement (included in the 3,200 metres length), a wildflower meadow, low growing trees 10 metres in width, behind that an additional wildflower meadow and then the solar arrays.

7.5.6. While impact on Natura 2000 sites is considered in section 8 of this Inspector's Report, the EcIA considers that there is no connectivity between the proposed solar farm and the two NHAs within a 10km radius (Jamestown Bog and Girley Bog).

7.5.7. A summary of ecological valuation of the site is outlined in table 3-5 of the EcIA. No significant construction or operational phase impacts are set out. Relatively minor mitigation measures during the construction phase are identified. No operational phase mitigation measures are proposed. The development is expected to have a positive residual impact on habitats and flora given the limited (approx. 40 metres) hedgerow/tree line removal to accommodate new site roads, but existing hedgerows would be enhanced, and new hedgerows provided as well as wildflower meadow areas and ponds. There is also expected to be a positive residual impact on fauna as a result of the additional landscaping, and the ponds. Additional site biodiversity 'enhancement options' are set out in section 6 of the EcIA e.g. hedgerow cutting timelines, site grazing, and provision of artificial structures.

7.5.8. In terms of the AEcIA, surface water runoff from the North Parcel discharges to the adjacent Toberultan Stream. Surface water from the South Parcel discharges to the field ditch in the northern field which joins the Jamestown Bridge Stream approx. 750 metres to the north east. (The Jamestown Bridge Stream is an unnamed stream but has been given this name in the AEcIA). The Jamestown Bridge Stream joins the Toberultan downstream and it discharges to the Blackwater (Kells) River (River Boyne and River Blackwater SAC) approx. 7km downstream.

7.5.9. Field survey results for the Toberultan Stream, the Jamestown Bridge Stream, and two of its tributaries are provided. The Toberultan and Jamestown Bridge Streams are not considered highly sensitive aquatic receptors. The AEcIA considers the two streams play a very limited role in supporting favourable conservation status of the two aquatic qualifying interest species, river lamprey and salmon, of the downstream SAC. Potential construction and operational phase impacts are considered. The AEcIA considers there may be an overall slightly positive impact on aquatic ecology given the change of land use away from intensive agriculture and riparian enhancement landscaping along the boundary with the Toberultan Stream. Construction phase mitigation measures are set out. During the construction phase the residual impact is expected to be temporary, slight, and not significant locally.

7.5.10. In terms of impact on wildlife, the provision of mammal access gaps in the perimeter fencing is noted. Given the rural nature of the site and the overall length of the proposed perimeter fencing, I consider that gaps at 50 metre intervals should be provided.

Conclusion

7.5.11. In conclusion, I consider the proposed development would not result in the permanent loss of agricultural land and would not have any undue adverse impact on biodiversity.

7.6. **Archaeology**

7.6.1. The applicant states in the submitted Planning and Environmental Report that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media recommended, at pre-application stage, that an Archaeological Impact Assessment should accompany the planning application. The National Monuments Section (NMS) made a submission

based on the archaeological potential of the area and this issue was also raised in third party observations to the planning authority.

7.6.2. An 'Archaeological Assessment' was submitted as appendix 11.1 of the applicant's Planning and Environmental Report. It was prepared by John Cronin & Associates and is dated December 2020. There are 15 no. recorded archaeological sites within the study area (extending 1km from the outer boundaries of the site), but none on the proposed development footprint. The assessment notes that, while the solar farm extends over a relatively large site, extensive sub-surface ground disturbance will largely be confined to the proposed tracks, cable trenches, and construction compound.

7.6.3. Proposed mitigation measures are contained in section 6 of the Archaeological Assessment. These include a 5 metres buffer around an upright standing stone in the South Parcel (a likely cattle scratching post) and commentary about what should occur in the event of archaeological remains being uncovered during construction. Certain recommendations are included in the assessment including geophysical surveys at certain locations and pre-development archaeological testing.

7.6.4. Item 5 of the further information request invited the applicant to review and comment on, inter alia, the submission from the NMS. In response, the applicant submitted a memo from John Cronin & Associates. However, this does not materially alter the original Archaeological Assessment. It is recommended a programme of geophysical surveys and targeted archaeological testing should take place, should permission be granted.

7.6.5. I consider that the proposed development would not have any undue adverse impact on archaeology, subject to the inclusion of a standard monitoring condition. In addition I do not consider there would be any undue adverse impact on the setting of the nearby graveyard, given the proposed additional planting.

7.7. Incomplete Application

7.7.1. Third parties consider that, in the absence of permission for the substation and the cable interconnection between the land parcels, the proposed development is incomplete or premature.

7.7.2. The substation application is under consideration by the Board under SID application ABP-310029-21, and the applicant intends to establish consent for the underground cable linking both parcels under a separate planning procedure. Notably, the AA screening report and the NIS (see section 8.0 of this Inspector's Report) have considered the separate elements of the overall project in those documents.

7.7.3. The application is not 'incomplete' and I consider that there is no difficulty in separately considering the three proposed elements of the overall development, and in accordance with the relevant legislation.

8.0 Appropriate Assessment (AA)

Appropriate Assessment (AA) Screening

Compliance with Article 6(3) of the Habitats Directive

8.1. The requirements of article 6(3) of the Habitats Directive, as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

Background on the Application

8.2. The applicant submitted a 'Screening for Appropriate Assessment' report, prepared by Greenleaf Ecology dated 23rd February 2021, as part of the planning application. It is contained as appendix A of the submitted 'Natura Impact Statement' (NIS).

8.3. The Stage 1 screening report comprises information in support of screening for AA to be undertaken by the competent authority. The Stage 1 screening report was prepared in line with current best practice guidance, provides a description of the proposed development, and identifies European sites within a possible zone of influence. Associated reports were also submitted with the planning application such as a Construction and Environmental Management Plan (CEMP), an Ecological Impact Assessment (EcIA), and an Aquatic Ecological Impact Assessment (AEcIA).

8.4. The screening report concluded that 'In the absence of mitigation measures to control surface water pollution during construction of the proposed Milltown Solar Farm, Co.

Meath, the potential for likely significant effects to the QI of the River Boyne and River Blackwater SAC and the SCI of the River Boyne and River Blackwater SPA cannot be excluded'. A similar conclusion was reached in relation to the proposed 110kV substation.

8.5. Having reviewed the documents, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment – Test of Likely Significant Effects

8.6. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

8.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site(s).

Brief Description of the Development

8.8. The applicant provides a description of the overall project on pages 9-11 of the screening report. There are three separate elements: the solar farm, the 110kV substation, and an underground internal network cable linking both parcels of the solar farm. The solar farm is subject of the current planning application. The 110kV substation is subject of a current Strategic Infrastructure Development (SID) application (ABP Reg. Ref. ABP-310029-21). Approval for the network cable element will be sought later as part of a separate planning process. In summary, the solar farm which is the subject of this planning application, and which is for an operational life of 35 years, comprises:

- up to 734,000sqm of solar photovoltaic panels on ground mounted steel frames,
- inverter/transformer stations,
- underground power and communication cables and ducts,
- security fencing, internal access tracks, drainage infrastructure, one new site entrance to each site, a temporary vehicle passing area on land adjoining the public

road to assist traffic movements during construction, CCTV cameras, and all associated site services and work, and,

- a control building and associated compound within the South Parcel.

8.9. The development site is described in pages 11-12. It predominantly comprises fields of improved agricultural grassland, with wet grassland locally in depressions in topography, and a field of arable crops to the north west of the North Parcel. The fields are bounded by hedgerows and treelines with associated drainage ditches. There are two small ponds in the North Parcel and a wet grassland/seasonal pond in the South Parcel. The Toberultan Stream flows along the north west of the North Parcel.

8.10. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/fragmentation
- Construction-related – uncontrolled surface water/silt/construction related pollution
- Habitat disturbance/species disturbance (construction and/or operational).

Submissions and Observations

8.11. No submissions or observations relate to AA or impact on European sites.

European Sites

8.12. The development site is not located in or immediately adjacent to a European site. The closest European site is River Boyne and River Blackwater SAC approx. 3.1km north of the North Parcel.

8.13. European sites within the Zone of Influence (ZoI) must be evaluated on a case by case basis. Figure 3-1 of the AA screening report illustrates the position of the site in the context of European sites in a 15km radius. There are four such sites: River Boyne and River Blackwater SAC (approx. 3.1km north of the North Parcel (a separate section of this SAC along a different watercourse is approx. 4.2km to the south west of the South Parcel)), Girley (Drewstown) Bog SAC (approx. 4.1km west of the South Parcel), Killyconny Bog (Cloghbally) SAC (approx. 11km north west of the North

Parcel), and River Boyne and River Blackwater SPA (approx. 3.3km north east of the North Parcel).

8.14. The possibility of potential impact to each site was considered in the screening report. Potential impacts to Girley (Drewstown) Bog SAC and Killyconny Bog (Cloghbally) SAC were discounted because of the absence of any connectivity between the two European sites and any of the three elements of overall proposed development. There is a potential hydrological connectivity between the proposed solar farm development and the River Boyne and River Blackwater SAC and SPA via the Toberultan Stream i.e. the stream is a tributary of the Blackwater River. I concur with considering only these two sites as being within the ZoI.

Summary Table of European Sites Within the Zone of Influence of the Proposed Development

European Site (code)	**List of Qualifying Interest (QI) / Special Conservation Interest (SCI)**	**Distance from Proposed Development (km)**	**Connections (source, pathway, receptor)**
River Boyne and River Blackwater SAC (002299)	Alkaline fens [7230] Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0] River lamprey [1099] Salmon [1106] Otter [1355]	Approx. 6.8km downstream from the North Parcel Approx. 8km downstream from the South Parcel	Hydrologically via the Toberultan Stream which runs along the north west boundary of the North Parcel Hydrologically via a drainage ditch which joins the Jamestown Bridge Stream which is itself a tributary of the Toberultan Stream

River Boyne and River Blackwater SPA (004232)	Kingfisher [A229]	As above	As above

Identification of Likely Effects

8.15. The conservation objectives of the Natura 2000 sites are as follows:

- River Boyne and River Blackwater SAC – Conservation objectives are set out in the 'Conservation Objectives Series River Boyne and River Blackwater SAC 002299' documents published by the National Parks & Wildlife Service (NPWS). They are to maintain the favourable conservation condition of alkaline fens and otter, and to restore the favourable conservation condition of alluvial forests with …, river lamprey, and salmon.
- River Boyne and River Blackwater SPA – The conservation objective is set out in the 'Conservation objectives for River Boyne and River Blackwater SPA [004232]' document published by the NPWS. It is 'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'.

8.16. Likely direct, indirect, or secondary impacts of the proposed solar farm development on European sites are considered in section 4.2 of the applicant's AA screening report.

- No direct effects would occur through land-take or fragmentation of habitats given the distance of the proposed site from the SAC and SPA.
- Survey findings indicate that the Toberultan Stream is not suitable to provide a steady foraging resource for otter and no evidence of otter was recorded. No ex-situ disturbance effects would occur. Aquatic ecology surveys indicate that the Toberultan Stream is not considered to support significant spawning and/or nursery habitat for either salmon or river lamprey and would play a limited role, if any, in supporting favourable conservation status of these QI species in the SAC.
- The Toberultan Stream flows along the north western boundary of the North Parcel. It is a tributary of the Blackwater (Kells) River which is part of the River

Boyne and River Blackwater SPA. The stream is small and highly modified and neither it, nor the drainage ditches within the site, are suitable to support kingfisher, according to the screening report. No riparian birds were observed on the site survey, and it is approx. 3.3km from the SPA at its closest point. Any disturbance/displacement or ex-situ effects on kingfisher is considered extremely unlikely.

- No instream works are proposed during construction, operation, or decommissioning. However, using the precautionary principle and given the hydrological links, the potential for significant adverse effects on the QI and SCI species as a result of export of potentially damaging waterborne pollutants e.g. sediment, concrete and hydrocarbons during construction cannot be ruled out. No risk during the operational phase has been identified.

8.17. In the AA screening report a similar conclusion to the last bullet point, above, was reached in relation to the proposed substation. Table 3-3 of the screening report, in relation to the proposed internal cable network, stated that the network would be installed in the body of local roads and the proposed route would not cross any watercourses i.e. there would be no hydrological connectivity to a European site.

8.18. Section 4.2.1 of the AA screening report outlines cumulative impacts with other plans and projects in the area. The report concludes that there would be no negative in-combination effects.

8.19. I concur with the potential effects as summarised in section 8.16.

Mitigation Measures

8.20. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

Screening Determination

Significant effects cannot be excluded, and Appropriate Assessment required

8.21. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, I conclude that the project individually (or in combination with other plans or projects) could have a significant effect on European sites River Boyne and River Blackwater SAC (site code 002299)

and River Boyne and River Blackwater SPA (site code 004232) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

Appropriate Assessment (AA)

8.22. The requirements of article 6(3) as related to appropriate assessment of a project under Part XAB, section 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with article 6(3) of the EU Habitats Directive
- The Natura Impact Statement (NIS) and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

Compliance with Article 6(3) of the EU Habitats Directive

8.23. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.24. The proposed development is not directly connected to or necessary for the management of any European site and therefore is subject to the provisions of article 6(3).

The Natura Impact Statement (NIS)

8.25. The application included a 'Natura Impact Statement' (NIS) prepared by Greenleaf Ecology dated 23rd February 2021, which examines and assesses potential adverse effects of the proposed development on both the River Boyne and River Blackwater SAC and SPA. It is a detailed document which provides information and appraises the potential that both the proposed solar farm and 110kV substation would have on the integrity of the relevant European sites in view of best scientific knowledge and the

conservation objectives of the sites. The NIS contains, inter alia, a description of the proposed development, the legislative background, detailed commentary on the two relevant European sites, a description of the existing environment (including the results of the AEcIA), an overview of the potential indirect impacts that could occur, consideration of the cumulative/in-combination effects, mitigation, and analysis and conclusions.

8.26. The NIS concludes that 'with the implementation of best practice and the recommended mitigation measures there will be no potential for direct, indirect or cumulative impacts arising from the proposed Milltown Solar Farm and 110kV Substation, Co. Meath either alone or in combination with any other plans or projects. The integrity of the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA will not be adversely affected. No reasonable scientific doubt remains as to the absence of such adverse effects'.

8.27. No issue specific to AA was raised by either the prescribed bodies or other third parties.

8.28. Having reviewed the documents, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the River Boyne and River Blackwater SAC and SPA.

Appropriate Assessment of Implications of the Proposed Development

8.29. The following is a summary of the objective scientific assessment of the implications of the project on the QI and SCI features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. Given the nature of the proposed development, and the nature, type, and QIs/SCIs of the European sites potentially affected, similar considerations apply to both.

8.30. The following sites are subject to appropriate assessment:

- River Boyne and River Blackwater SAC (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232)

8.31. A description of the sites and their QI/SCI, including any relevant attributes and targets, are set out in the NIS, and summarised in sections 8.14 and 8.15 of this report as part of my assessment.

Aspects of the Proposed Development that could affect Conservation Objectives

8.32. In my opinion, having reviewed the development proposals, the main aspect of the proposed development that could affect the conservation objectives of the sites arise from potential surface water pollution during the construction phase given the hydrological link between the solar farm site and the European sites. No aspects of the operational phase of development have been identified that could affect the conservation objectives.

8.33. Tables 9-2 and 9-3 summarise the AA and site integrity test. The conservation objectives for the two European sites have been examined and assessed with regard to the identified potential significant effect and all aspects of the project, alone and in-combination with other plans and projects. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise, and definitive conclusions reached in terms of adverse effects on the integrity of the European site.

Tables 9-2 and 9-3: Summary of Appropriate Assessment of implications of the proposed development on the integrity of European sites alone and in-combination with other plans and projects in view of the sites' conservation objectives.

Table 9-2: River Boyne and River Blackwater SAC [002299]					
Summary of key issues that could give rise to adverse effects: • **Water quality impacts due to pollutants or soil/sediment run-off during construction phase** **Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf**					
Summary of Appropriate Assessment					
Qualifying interest feature	**Conservation objectives targets and attributes**	**Potential adverse effects**	**Mitigation measures**	**In-combination effects**	**Can adverse effects on integrity be excluded?**
Alkaline fens [7230]	To maintain the favourable conservation condition of alkaline fens	No – Alkaline fen habitat distribution is located in the vicinity of Lough Shesk, Freekan Lough, and Newtown Lough. None of these loughs have any interaction with the Blackwater, and therefore could not be affected by the proposed development.	N/A	None	Yes – Habitat not within ZoI
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padoin, Alnion incanae, Salicion albae [91E0]	To restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padoin, Alnion incanae, Salicion albae)	No – The only location of alluvial forest set out in the conservation objectives document is approx. 30km west of the site as the crow flies.	N/A	None	Yes – Habitat not within ZoI
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable	Yes – Site is hydrologically linked to the SAC and river	Best practice pollution prevention measures are set out in table 6-1	No likely significant in-combination effects. The proposed	Yes – No doubt as to the effectiveness or implementation of

	conservation condition of river lamprey	lamprey are sensitive to direct or indirect effects from pollution of watercourses with chemicals, contaminants etc. during the construction phase.	of the NIS and include detailed measures to mitigate impacts to water quality. For example, cabling in short sections, buffer zones for excavated spoil or refuelling, and three-stage treatment drainage system.	substation development (ABP Reg. Ref. ABP-310029-21) proposes the same mitigation measures.	mitigation measures proposed to prevent direct or indirect effects. The NIS considers that, with effective implementation of the mitigation measures, 'there is a high level of confidence in their likely success'.
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of salmon	Yes – Site is hydrologically linked to the SAC and salmon are sensitive to direct or indirect effects from pollution of watercourses with chemicals, contaminants etc. during the construction phase.	Best practice pollution prevention measures are set out in table 6-1 of the NIS and include detailed measures to mitigate impacts to water quality. For example, cabling in short sections, buffer zones for excavated spoil or refuelling, and three-stage treatment drainage system.	No likely significant in-combination effects. The proposed substation development (ABP Reg. Ref. ABP-310029-21) proposes the same mitigation measures.	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects. The NIS considers that, with effective implementation of the mitigation measures, 'there is a high level of confidence in their likely success'.
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of otter	Yes – Site is hydrologically linked to the SAC and otters may be sensitive to direct or indirect effects from pollution of watercourses with chemicals, contaminants etc. during the construction	Best practice pollution prevention measures are set out in table 6-1 of the NIS and include detailed measures to mitigate impacts to water quality. For example, cabling in short sections, buffer zones for excavated spoil or refuelling, and	No likely significant in-combination effects. The proposed substation development (ABP Reg. Ref. ABP-310029-21) proposes the same mitigation measures.	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects. The NIS considers that, with effective implementation of the mitigation measures, 'there is a high level of

		phase. Also, possible impact on food sources.	three-stage treatment drainage system.		confidence in their likely success'.

Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SAC in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

Table 9-3: River Boyne and River Blackwater SPA [004232]

Summary of key issues that could give rise to adverse effects:

- **Water quality impacts due to pollutants or soil/sediment run-off during construction phase**

Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf

Summary of Appropriate Assessment

Qualifying interest feature	Conservation objectives targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Kingfisher (Alcedo atthis) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	Yes – Site is hydrologically linked to the SPA and kingfisher may be sensitive to indirect effects from pollution of watercourses with chemicals, contaminants etc. during the construction phase. Also, possible impact on food sources.	Best practice pollution prevention measures are set out in table 6-1 of the NIS and include detailed measures to mitigate impacts to water quality. For example, cabling in short sections, buffer zones for excavated spoil or refuelling, and three-stage treatment drainage system.	No likely significant in-combination effects. The proposed substation development (ABP Reg. Ref. ABP-310029-21) proposes the same mitigation measures.	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent indirect effects. The NIS considers that, with effective implementation of the mitigation measures, 'there is a high level of confidence in their likely success'.

Overall conclusion: Integrity test
Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SPA in light of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.

Mitigation Measures

8.38. The proposed mitigation measures are set out in table 6-1 of the NIS. The table lists the objective of the mitigation measures and the details of the mitigation. Four objectives during the construction phase are set out: control of sediment loss, attenuation of runoff and solids settlement, avoid concrete loss to water, and avoid hydrocarbon loss. The 'Details of Mitigation' column sets out how these will be achieved.

8.39. Proposed mitigation measures for each objective include:

Control of sediment loss –

- All cable trenching works shall ensure that only short sections of the trench are open at any time.
- Freshly excavated spoil must be retained over 10 metres from a drain or watercourse and surrounded by silt fencing.
- Surplus soil forming berms shall be immediately reseeded and rolled.
- If dewatering is required from trenches after heavy rain contaminated water must be treated prior to discharge. There must be no direct pumping from works to watercourses.

Attenuation of runoff and solids settlement –

- The drainage system will be a three-stage treatment train: swale–stilling pond–diffuse outflow.

Avoid concrete loss to water –

- Best practice will be employed in bulk-liquid concrete management.
- Shuttering measures will be put in place to prevent against failure and oils.
- Disposal of raw or uncured waste concrete shall be controlled.
- No washing out or disposal of wet concrete to drains or watercourses.

Avoid hydrocarbon loss –

- Temporary parking and refuelling areas shall be at least 50 metres from a drain or watercourse.

- No storage of hydrocarbons or chemicals within 50 metres of surface water.

8.40. The proposed substation development (ABP Reg. Ref. ABP-310029-21) proposes the same mitigation measures. Table 3-1 of the NIS addresses the proposed internal cable network linking the South and North Parcels. In terms of connection to European sites the NIS states that 'It is proposed to install the underground cable network in the body of local roads. The proposed cable route does not cross any watercourses and does not support connectivity' to either the SAC or the SPA.

8.41. I consider that the proposed mitigation measures for water quality impacts generally comprise relatively standard, well proven good practice measures for construction works in the vicinity of watercourses. I consider that the proposed measures, as well as the construction methodology, is suitably detailed to remove any lack of clarity regarding potential adverse effects and that they are capable of being successfully implemented.

Operational Stage

8.42. No potential for significant increase in surface water run-off from the site during the operational phase has been identified and there would be no soil disturbance. Therefore, there would be no significant release of sediment. The proposed solar farm would not have a significant adverse effect on European sites when operational.

Decommissioning Stage

8.43. Potential decommissioning impacts would be similar to the construction stage. However, the level of soil disturbance would be significantly less.

In-Combination Effects

8.44. Existing and proposed plans and projects proximal to the site and those which may have an adverse cumulative or in-combination impact are set out by the applicant in table 5-2 of the NIS. I specifically note, in this regard, that the NIS has taken into consideration the separate elements of the overall proposed development i.e. the solar farm, the proposed 110kV substation development, and the internal network cable. Table 5-2 considers that there is no potential for adverse or significant in-combination effects on European sites.

Integrity Test

8.45. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA, in view of the Conservation Objectives of these sites.

8.46. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment Conclusion

8.47. The proposed solar farm development has been considered in light of the assessment requirements of sections 177U and 177V of the Planning & Development Act, 2000 (as amended).

8.48. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.49. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European site Nos. 002299 or 004232, or any other European site, in view of the sites Conservation Objectives.

8.50. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

8.51. This conclusion is based on:

- a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA.
- detailed assessment of the in-combination effects with other plans and projects including historical projects, current proposals, and future plans.

- no reasonable scientific doubt as to the absence of adverse effects on the integrity of River Boyne and River Blackwater SAC.
- no reasonable scientific doubt as to the absence of adverse effects on the integrity of River Boyne and River Blackwater SPA.

9.0 Recommendation

9.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to:

(i) European, national, regional, and county level support for renewable energy development such as:

- the government's Climate Action Plan 2021
- the government's Project Ireland 2040 National Planning Framework
- the Regional Spatial & Economic Strategy 2019-2031 published by the Eastern and Midland Regional Assembly
- the Meath County Development Plan 2021-2027 as adopted by Meath County Council,

(ii) the nature, scale, and extent of the proposed development,

(iii) the documentation submitted with the application, including the Natura Impact Statement, Planning and Environmental Report and appendices, and the Construction and Environment Management Plan,

(iv) the nature of the landscape and absence of any specific conservation or amenity designation for the site,

(v) mitigation measures proposed for construction, operation, and decommissioning of the site, and

(vi) the submissions on file including those from prescribed bodies, the planning authority, and other third parties,

it is considered that, subject to compliance with the conditions set out below, the proposed development:

- would be in accordance with European, national, and regional renewable energy policies and the provisions of the Meath County Development Plan 2021-2027,
- would not seriously injure the visual or residential amenities of the area, or otherwise, of property in the vicinity,
- would not interfere with a protected view and prospect of importance, or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage,
- would not have a significant adverse impact on ecology,
- would be acceptable in terms of traffic safety and convenience, and,
- would make a positive contribution to Ireland's renewable energy requirements.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of June 2021 and 12th day of July 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the Planning and Environmental Report and its associated appendices, the Natura Impact Statement, and the Construction and Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

4. (a) The permission shall be for a period of 35 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

   (b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

   (c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and

removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

5. Prior to the commencement of any development on site the developer shall submit, for the written approval of the planning authority, the specific layout plan to be implemented on site.

Reason: In the interest of clarity.

6. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

   (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

   (c) Cables within the site shall be located underground.

   (d) The inverter/transformer stations shall be dark green in colour. The external walls of the control building shall be finished in a neutral colour such as light grey or off-white and the roof shall be black/grey/off-white.

Reason: In the interests of clarity and of visual and residential amenity.

7. Prior to the commencement of development, details of the structure of the security fence showing provision for the movement of mammals shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates every 50 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (NRA 2008).

Reason: To allow wildlife to continue to have access across the site and in the interest of biodiversity protection.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
   (a) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works.
   (b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services Section of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.
   (c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and
   (d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment.

   In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation in-situ or by record and protection of any archaeological remains that may exist within the site.

9. The landscaping scheme shown on drawing numbers LD.MLTWN 1.1 and LD.MLTWN 1.2, as submitted to the planning authority on the 2nd March 2021 shall be carried out within the first planting season following commencement of development except:
   (a) Landscaping mitigation along the public road to the west and south of the South Parcel shall be carried out prior to the commencement of any development on the South Parcel.

(b) Landscaping mitigation of semi-mature woodland mix/thicket species shall be in place around the property immediately adjacent to the west of the South Parcel (the Butler property) prior to the commencement of any development on the South Parcel. Detail of this shall be agreed in writing with the planning authority prior to commencement of development on the South Parcel.

(c) Temporary screening mitigation shall be provided to screen potential glint and glare reflectance from the road receptor points until proposed planting matures as set out in section 2.5.3 of the Glint and Glare Assessment dated December 2020 submitted with the planning application. Detail of this shall be agreed in writing with the planning authority prior to the commencement of any development on the South Parcel.

All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

(k) Hours of construction.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health, and safety.

11. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the amenities of property in the vicinity of the site.

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Anthony Kelly
Planning Inspector
4th March 2022